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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

Defendant.

**ORDER DENYING LEAVE
TO FILE SUMMARY
JUDGMENT MOTION**

Pursuant to the order regarding motion practice (Dkt. No. 86), defendant Google Inc. requests leave to file an early motion for summary judgment. The proposed motion would target the copyright claim for relief (Count VIII) in Oracle America, Inc.'s amended complaint. Plaintiff Oracle opposes Google's request on the grounds that the proposed summary judgment motion "is neither ripe nor well-taken." Having considered both parties' submissions, this order finds that good cause has not been shown to engage in a summary judgment battle at this time. Google's request is **DENIED** without prejudice to renewal after a more complete evidentiary record has been developed through discovery.

IT IS SO ORDERED.

Dated: February 18, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE